

House Bill 369

By: Representatives Stephens of the 164th, Harden of the 147th, Carter of the 159th, Parrish of the 156th, and Parham of the 141st

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 10-1-393 of the Official Code of Georgia Annotated, relating to unfair or deceptive practices in consumer transactions and examples, so as to provide that the use of a pharmacy benefit manager to favor any pharmacy for the filling or refilling of prescriptions shall be an unfair and deceptive practice; to amend Code Section 26-4-110.1 of the Official Code of Georgia Annotated, relating to definitions, licenses required, and condition for licensing, so as to provide that it shall be unlawful for any pharmacy benefit manager to require the use of or to favor any pharmacy in approving the use of any prescription drug; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 10-1-393 of the Official Code of Georgia Annotated, relating to unfair or deceptive practices in consumer transactions and examples, is amended in subsection (b) by replacing the period with a semicolon at the end of paragraph (30.1), by striking "or" at the end of paragraph (32), by replacing the period with "; or" at the end of paragraph (33), and by adding a new paragraph to read as follows:

"(34) For any person or company to favor the use of a particular pharmacy or chain or pharmacies through a pharmacy benefit manager in violation of Code Section 26-4-110.1."

SECTION 2.

Code Section 26-4-110.1 of the Official Code of Georgia Annotated, relating to definitions, licenses required, and condition for licensing, is amended by adding a new subsection to read as follows:

"(c) Each enrollee is entitled to exercise free choice in selecting his or her pharmacy. It shall be unlawful for any pharmacy benefit manager, either directly or indirectly, to require

26 or encourage the use of, or to favor in any way, a particular pharmacy or chain of
27 pharmacies in approving the use of a prescription drug."

28 **SECTION 3.**

29 This Act shall become effective upon its approval by the Governor or upon its becoming law
30 without such approval.

31 **SECTION 4.**

32 All laws and parts of laws in conflict with this Act are repealed.